

# PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: JULY 3, 2023.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

**Application Number:** 41C 30109863

**Applicant:** GLENN B LINDSEY  
PO BOX 621  
SHERIDAN, MT 59749 0621

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**WATER RIGHT NUMBER(S) BEING CHANGED**

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	41C 103758-00	OCTOBER 31, 1865
Historical Flow Rate: 1.88 CFS	Historical Consumptive Volume: 40.00 AC-FT	
	Historical Diverted Volume: 111.90 AC-FT	

**PAST USE OF WATER**

WATER RIGHT CLAIM NO. 41C 103758-00 IS FOR 1.88 CUBIC FEET PER SECOND (CFS) FLOW AND A DIVERTED VOLUME EQUAL TO THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE FROM MILL CREEK, TRIBUTARY TO THE RUBY RIVER IN MADISON COUNTY, FOR THE PURPOSE OF FLOOD IRRIGATION WITH A PRIORITY DATE OF OCTOBER 31, 1865. THE PERIOD OF USE AND PERIOD OF DIVERSION IS APRIL 1ST TO OCTOBER 31ST. THE POINT OF DIVERSION IS A HEADGATE IN SESENE SECTION 26 TOWNSHIP 4 SOUTH (T04S), RANGE 5 WEST (R05W), MADISON COUNTY. WATER IS CONVEYED BY ELLINGHOUSE #2 DITCH TO THE PLACE OF USE. THE PLACE OF USE IS 44.0 ACRES IN SW SECTION 26, T04S, R05W, MADISON COUNTY. PER MONTANA WATER COURT CASE NO. 41C-195, CLAIM 41C 103758-00 IS PART OF A ROTATIONAL USE AGREEMENT IN WHICH THE STIPULATION DETERMINES THAT THE OWNERS OF THIS RIGHT MAY USE A FLOW RATE OF 1.88 CFS FOR 8 DAYS OF EACH MONTH WITHIN THE PERIOD OF USE.

**PROPOSED CHANGE**

THE APPLICANTS PROPOSE TO CHANGE 40.7 OF THE 44 ACRE HISTORIC PLACE OF USE OF CLAIM 41C 103758-00 TO 32 ACRES ADJACENT TO THE 44-ACRE HISTORIC PLACE OF USE: 3 ACRES IN NWSE SECTION 26 T04S R5W AND 29 ACRES IN SWSE SECTION 26 T04S R05W, MADISON COUNTY. THE APPLICANT DOES NOT HAVE OWNERSHIP OF 3.3 ACRES OF THE HISTORIC PLACE OF USE AND THESE 3.3 ACRES WILL REMAIN UNCHANGED. THE UNCHANGED 3.3 ACRES AND THE 32 ACRES IN THE PROPOSED PLACE OF USE TOTAL 35.3 ACRES THAT WILL BE LISTED ON THIS WATER RIGHT POST-CHANGE. ALL ACRES IN THE HISTORIC PLACE OF USE, EXCEPT FOR THE 3.3 UNCHANGED ACRES, WILL BE RETIRED FROM IRRIGATION. THE POINT OF DIVERSION, CONVEYANCE DITCH, PERIOD OF DIVERSION, PERIOD OF USE, PURPOSE, AND METHOD OF IRRIGATION WILL REMAIN UNCHANGED. CLAIM 41C 103758-00 WILL STILL BE PARTY TO THE ROTATIONAL USE AGREEMENT, WHICH ALLOWS FOR 1.88 CFS FOR 8 DAYS EACH MONTH.

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